

85TH CONGRESS } 2d Session }	HOUSE OF REPRESENTATIVES {	REPORT No. 2651
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## EXTENSION OF ESPIONAGE LAWS

AUGUST 15, 1958.—Referred to the House Calendar and ordered to be printed

Mr. RODINO, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 13676]

The Committee on the Judiciary, to whom was referred the bill (H. R. 13676) to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18, relating to espionage and censorship, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE

The purpose of the proposed legislation is to extend the application of chapter 37 of title 18, United States Code, relating to espionage and censorship, to acts committed anywhere in the world by repealing section 791 of that title. That section now provides that the provisions of chapter 37 shall apply only within the admiralty and maritime jurisdiction of the United States, on the high seas, and within the United States.

#### STATEMENT

The limitation upon the application of existing espionage laws to acts committed either in the United States, on the high seas, or within the admiralty and maritime jurisdiction of the United States has prevented prosecution of acts of espionage committed against the United States in foreign countries. The committee has found no justification for such a limitation. On the other hand it believes that it is imperative that the laws of this Nation protect it from acts of espionage committed abroad as well as at home.

To give our criminal laws such extraterritorial effect is not novel. In the case of *United States v. Bowman* (260 U. S. 94) the Supreme Court held that citizens of the United States while in a foreign country were subject to penal laws enacted to protect the United States and its property. Crimes against the United States committed abroad are

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triable, under section 3238 of title 18, United States Code, in the district where the offender is found, or into which he is first brought.

DEPARTMENT VIEWS

This legislation is sponsored by the Department of Justice and there follows its communication to the Speaker of the House of Representatives suggesting this bill.

OFFICE OF THE ATTORNEY GENERAL,  
*Washington, D. C., July 29, 1958.*

The SPEAKER,  
*House of Representatives,*  
*Washington, D. C.*

DEAR MR. SPEAKER: Chapter 37 of title 18, United States Code, is entitled "Espionage and Censorship." It consists of a number of sections prohibiting certain acts prejudicial to the national security. The first section in the chapter, section 791, provides that the chapter "shall apply within the admiralty and maritime jurisdiction of the United States and on the high seas as well as within the United States." This embraces the United States and American vessels on the high seas or on navigable waters within the territorial jurisdiction of foreign sovereigns.

Because espionage knows no geographical boundaries, because United States military and civilian personnel are distributed widely about the globe, and because it is unreasonable to limit the Government's ability to protect itself against acts of espionage on the basis of the place where such acts are committed, the Department of Justice recommends the repeal of section 791. By the repeal of this section chapter 37 will be given extraterritorial effect within the rule expressed in *United States v. Bowman* (260 U. S. 94), that acts which are directly injurious to the Government and may be perpetrated without regard to locale are punishable when committed by citizens either at home or abroad. Espionage is such an offense.

We would appreciate the appropriate reference of this proposed legislation.

The Bureau of the Budget has advised that there is no objection to the submission of this recommendation.

Sincerely,

WILLIAM P. ROGERS,  
*Attorney General.*

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the House of Representatives, there is printed below in roman existing law in which no change is proposed, with matter proposed to be stricken out enclosed in black brackets, and new matter proposed to be added shown in italic:

TITLE 18, UNITED STATES CODE

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CHAPTER 37—ESPIONAGE AND CENSORSHIP

Sec.

【791. Scope of chapter.】

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【§ 791. Scope of chapter

【This chapter shall apply within the admiralty and maritime jurisdiction of the United States and on the high seas, as well as within the United States.】

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